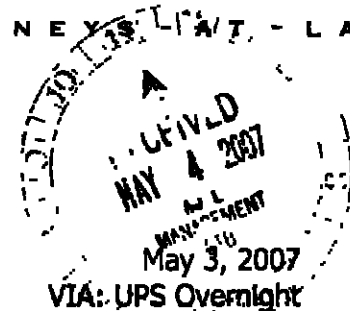


219235

FOUR PENN CENTER  
SUITE 200  
1600 JOHN F. KENNEDY BLVD.  
PHILADELPHIA, PA 19103-2808  
TELEPHONE 215 583 9400  
FACSIMILE 215 663 8988  
WWW.GGELAW.COM

**G&E** GOLLATZ  
GRIFFIN  
& EWING  
ATTORNEYS AT LAW

ERIC M. HOCKY  
DIRECT DIAL 215.320 3720  
emhocky@ggelaw.com



ENTERED  
Office of Proceedings  
Public Record

Hon. Vernon A. Williams  
Secretary  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20423

Re: Finger Lakes Railway Corp. -  
Abandonment Exemption - Yates County, NY  
STB Docket No. AB-1005X  
**Notice of Exemption of Abandonment**

**FEE RECEIVED**

MAY 4 - 2007

SURFACE  
TRANSPORTATION BOARD

Dear Secretary Williams:

Enclosed for filing are the original and ten copies of the Notice of Finger Lakes Railway Corp. for Exemption of Abandonment, together with a check in the amount of \$3,100 representing the filing fee.

Please time-stamp the extra copy of this letter and the Notice to indicate receipt, and return them to me in the stamped, self-addressed envelope provided for your convenience.

Respectfully,

Eric M. Hocky

Enclosures

cc: All Parties on Service List (w/enclosure)

**FILED**

MAY 4 2007

SURFACE  
TRANSPORTATION BOARD

GOLLATZ GRIFFIN & EWING P C



Before the

**SURFACE TRANSPORTATION BOARD**

STB Docket No. AB 1005X

**FINGER LAKES RAILWAY CORP.**

**ABANDONMENT EXEMPTION**

**PURSUANT TO**

**49 C.F.R. §1152.50**

**YATES COUNTY, NEW YORK**

ENTERED  
Office of the Clerk

W.D.

Public Record

---

**NOTICE OF EXEMPTION**

**FILED**  
MAY 4 - 2007  
SURFACE  
TRANSPORTATION BOARD

**FEE RECEIVED**  
MAY 4 - 2007  
SURFACE  
TRANSPORTATION BOARD

ERIC M. HOCKY  
GOLLATZ, GRIFFIN & EWING, P.C.  
Four Penn Center, Suite 200  
1600 John F. Kennedy Blvd.  
Philadelphia, PA 19103  
(215) 563-9400

Attorneys for Finger Lakes Railway Corp.

Dated: May 3, 2007

Before the  
**SURFACE TRANSPORTATION BOARD**  
STB Docket No. AB 1005(X)

**FINGER LAKES RAILWAY CORP.  
ABANDONMENT EXEMPTION  
PURSUANT TO  
49 C.F.R. §1152.50**

Yates County, New York

Finger Lakes Railway Corp. ("Applicant") is seeking to abandon a 4.95 mile rail line that is part of its Watkins Glen-Penn Yan Line, located in Yates County, New York. The last local service on the line to be abandoned was in April, 1995. Because the line is at the end of a branch, there is no overhead traffic on the line.

This Notice of Abandonment is given pursuant to the requirements of 49 C.F.R. §1152.50. In accordance with such requirements, Applicant hereby states as follows:

1. The exact name of Applicant is Finger Lakes Railway Corp.
2. Applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105. Applicant acquired the line from Conrail in July, 2005 *Finger Lakes Railway Corp. – Acquisition and Operation Exemption – Consolidated Rail Corporation*, ICC Finance Docket No. 32574 (served October 14, 1994).
3. The relief sought is the abandonment of a portion of Applicants line of railroad which runs between Milepost 41.35 in the Village of Penn Yan, Township of Benton, in Yates County, New York, and Milepost 46.3 outside the Township of Benton. This line includes one station, Bellona, located at Milepost 46.3 – SPLC 183992.
4. A detailed map of the line is attached hereto as Exhibit A.

5. The representative of Applicant to whom correspondence should be sent is:

Eric M. Hocky, Esquire  
GOLLATZ, GRIFFIN & EWING, P.C.  
Four Penn Center, Suite 200  
1600 John F. Kennedy Blvd.  
Philadelphia, PA 19103  
(215) 563-9400

6. The line to be abandoned traverses United States Postal Service ZIP Code 14527.

7. Applicant believes that the line to be abandoned may be a candidate for alternative public use as a trail, as there is another trail in the vicinity of the line. Title to the property is currently held by Yates County Industrial Development Authority.

8. Applicant proposes to consummate the abandonment on or after June 18, 2007.

9. Applicant certifies that:

(a) No local traffic has moved over the line for at least two years. This is the end of a branch line and there is no overhead traffic to be rerouted.

(b) No formal complaint by a user of rail service on the line, or a state or local government entity acting on behalf of such user, regarding cessation of service over the line either is pending with the Board or any U.S. District Court or has been decided in favor of the complainant within the two year period.

10. Although no employees of Applicant will be affected by the abandonment, Applicant recognizes that this abandonment will be made subject to the employee protective conditions in *Oregon Short Line Railroad Co.--Abandonment--Goshen*, 360 I.C.C. 91 (1979).

11. An environmental/historic report in accordance with the requirements of 49 C.F.R. §§1105.7 and 1105.8 was filed with the Board on April 13, 2007. As noted in the report, Applicant has complied with the notice requirements of 49 C.F.R. §1105.11. Applicant will be filing electronically with the Board on May 4, 2007, a letter supplementing the report.

12. Applicant has complied with the notice requirements of 49 C.F.R. §1152.50(d)(1).

Copies of the notices are attached hereto as Exhibit B.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric M. Hocky", is positioned above the printed name.

ERIC M. HOCKY  
GOLLATZ, GRIFFIN & EWING, P.C.  
Four Penn Center, Suite 200  
1600 John F. Kennedy Blvd.  
Philadelphia, PA 19103  
(215) 563-9400


Attorneys for Finger Lakes Railway Corp.

DATED: May 3, 2007

### **VERIFICATION**

I hereby verify on behalf of Finger Lakes Railway Corp., under penalty of perjury, that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verification.

Executed on May 3, 2007.

A handwritten signature in black ink, appearing to read "M.V. Smith", is written above a horizontal line.

Michael V. Smith, President

**EXHIBIT A - MAP**

This is a detailed black and white map of Benton, Pennsylvania, and its surrounding areas. The map shows a network of roads, including major highways like PA-14, PA-23, and PA-27. Key locations marked include Benton Center, Potter, Bellona, and parts of Torrington. The map also shows the FGLK RR line and various local roads such as Lovejoy Rd, Scott Rd, and Muck Rd. A scale bar indicates a distance of 46.3 EOT (Estimated Operating Time) from MP 41.35 to MP 46.3.



**EXHIBIT B - 10 DAY NOTICES**

213 WEST MINER STREET  
PO BOX 798  
WEST CHESTER, PA 19381  
TELEPHONE 610.692.9116  
FACSIMILE 610.692.9177  
WWW.GGELAW.COM

**G&E** GOLLATZ  
GRIFFIN  
& EWING  
ATTORNEYS - AT - LAW

LEANORE D. BELLIS  
DIRECT DIAL 610.350.4132  
lbellis@ggelaw.com

April 20, 2007  
VIA: FIRST CLASS MAIL

Director of Real Estate  
New York Department of Transportation  
50 Wolf Road  
Albany, NY 12232  
Att: Phil Healey

RE: Finger Lakes Railway Corp. -  
Abandonment Exemption  
STB Docket No. AB1005 (X)

Dear Mr. Healey:

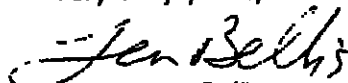
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Based on information in FGLK's possession, the Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

FGLK intends to salvage the track and materials for reuse on elsewhere on its system following the Line's abandonment.

FGLK filed an Environmental/Historic Report with the Surface Transportation Board on April 13, 2007, and will provide a copy upon request.

Very truly yours,

  
Leanore D. Bellis  
Paralegal

cc: Holly L. Thaelke (FGLK)  
Eric M. Hocky, Esquire

GOLLATZ GRIFFIN & EWING, P C

WEST CHESTER

PHILADELPHIA

WILMINGTON

213 WEST MINER STREET  
PO BOX 796  
WEST CHESTER, PA 19381  
TELEPHONE 610 692 9116  
FACSIMILE 610.692 9177  
WWW.GGELAW.COM

**G&E** GOLLATZ  
GRIFFIN  
& EWING  
ATTORNEYS - AT - LAW

LEANORE D. BELLIS  
DIRECT DIAL 610 350.4132  
bellis@ggelaw.com

April 20, 2007  
VIA: FIRST CLASS MAIL

Yates County Industrial Development Agency  
Attn: Jeff Gifford, Chairman  
One Keuka Business Park, Suite 104  
Penn Yan, New York 14527

RE: Finger Lakes Railway Corp. -  
Abandonment Exemption  
STB Docket No. AB1005 (X)

Dear Mr. Gifford:

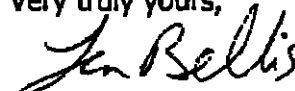
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Leanore D. Bellis  
Paralegal

cc: Holly L. Thoeke (FGLK)  
Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P C

WEST CHESTER

PHILADELPHIA

WILMINGTON

213 WEST MINER STREET  
PO BOX 796  
WEST CHESTER, PA 19381  
TELEPHONE 610.692.9116  
FACSIMILE 610.692.9177  
WWW.GGELAW.COM

**G&E** GOLLATZ  
GRIFFIN  
& EWING  
ATTORNEYS - AT - LAW

LEANORE D. BELLIS  
DIRECT DIAL 610.350.4132  
lbellis@ggelaw.com

April 20, 2007  
VIA: FIRST CLASS MAIL

Ontario County Pathways, Inc.  
PO Box 996  
Canandaigua, NY 14424

RE: Finger Lakes Railway Corp. -  
Abandonment Exemption  
STB Docket No. AB1005 (X)

Dear Sir or Madam:

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Leanore D. Bellis  
Paralegal

cc: Holly L. Thaelke (FGLK)  
Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P C

WEST CHESTER

PHILADELPHIA

WILMINGTON

213 WEST MINER STREET  
PO BOX 796  
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TELEPHONE 610.692.9116  
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GRIFFIN  
& EWING  
ATTORNEYS - AT - LAW

LEANORE D. BELLIS  
DIRECT DIAL 610.350.4132  
lbe.lis@ggelaw.com

April 20, 2007  
VIA: FIRST CLASS MAIL

New York Department of Public Service  
3 Empire State Plaza  
Albany, New York 12223-1350

RE: Finger Lakes Railway Corp. -  
Abandonment Exemption  
STB Docket No. AB1005 (X)

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Leanore D. Bellis  
Paralegal

cc: Holly L. Thoeke (FGLK)  
Eric M. Hocky, Esquire

213 WEST MINER STREET  
PO BOX 796  
WEST CHESTER, PA 19381  
TELEPHONE 610 692 9118  
FACSIMILE 610 692 9177  
WWW.GGELAW.COM



LEANORE D. BELLIS  
DIRECT DIAL 610 350 4132  
lbellis@ggelaw.com

April 20, 2007  
VIA: FIRST CLASS MAIL

Director  
Attention: SDTE-SA  
Military Surface Deployment and Distribution Command  
Transportation Engineering Agency  
720 Thimble Shoals Blvd., Ste. 130  
Newport News, VA 23606-4537

RE: Finger Lakes Railway Corp. -  
Abandonment Exemption  
STB Docket No. AB1005 (X)

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Very truly yours,

A handwritten signature in cursive script, appearing to read "Leanoire D. Bellis".

Leanoire D. Bellis  
Paralegal

cc: Holly L. Thoeke (FGLK)  
Eric M. Hocky, Esquire

213 WEST MINER STREET  
PO BOX 796  
WEST CHESTER, PA 19381  
TELEPHONE 610 692.9116  
FACSIMILE 610 692 9177  
WWW.GGELAW.COM

**G&E** GOLLATZ  
GRIFFIN  
& EWING  
ATTORNEYS - AT - LAW

LEANORE D. BELLIS  
DIRECT DIAL 610.350.4132  
lbellis@ggelaw.com

April 20, 2007  
VIA: FIRST CLASS MAIL

National Park Service  
National Center For Recreation  
and Conservation  
Org. Code 2220  
1849 C Street, NW  
Washington, DC 20240-0001

RE: Finger Lakes Railway Corp. -  
Abandonment Exemption  
STB Docket No. AB1005 (X)

Dear Sir or Madam:

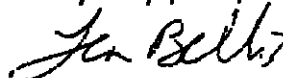
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Leanore D. Bellis  
Paralegal

cc: Holly L. Thoeke (FGLK)  
Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P C

WEST CHESTER

PHILADELPHIA

WILMINGTON

213 WEST MINER STREET  
PO BOX 796  
WEST CHESTER, PA 19381  
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& EWING  
ATTORNEYS - AT - LAW

LEANORE D. BELLIS  
DIRECT DIAL 610.350.4132  
lbellis@ggelaw.com

April 20, 2007  
VIA: FIRST CLASS MAIL

Cherri Espersen  
Rivers, Trails and Conservation Assistance Program  
National Park Service  
1849 C Street, NW (Org Code 2235)  
Washington, DC 20240-0001

RE: Finger Lakes Railway Corp. -  
Abandonment Exemption  
STB Docket No. AB1005 (X)

Dear Ms. Espersen:


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Leeanore D. Bellis  
Paralegal

cc: Holly L. Thoeke (FGLK)  
Eric M. Hocky, Esquire



213 WEST MINER STREET  
PO BOX 796  
WEST CHESTER, PA 19381  
TELEPHONE 610.692.9116  
FACSIMILE 610.692.9177  
WWW.GGELAW.COM

**G&E** GOLLATZ  
GRIFFIN  
& EWING  
ATTORNEYS - AT - LAW

LEANORE D. BELLIS  
DIRECT DIAL 610.350.4132  
lbellis@ggelaw.com

April 20, 2007  
VIA: FIRST CLASS MAIL

Office of Chief of Forest Service  
U.S. Department of Agriculture  
Auditor's Building  
201 14th Street S.W. and Independence Ave., S.W.  
Washington, DC 20250

RE: Finger Lakes Railway Corp. -  
Abandonment Exemption  
STB Docket No. AB1005 (X)

Dear Sir or Madam:


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Very truly yours,

  
Leanore D. Bellis  
Paralegal

cc: Holly L. Thoeke (FGLK)  
Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P C

WEST CHESTER

PHILADELPHIA

WILMINGTON

**CERTIFICATE OF SERVICE**

I hereby certify that on this date a copy of the foregoing Notice of Abandonment was served on the persons shown on the attached list by first class mail, postage prepaid.

  
\_\_\_\_\_  
ERIC M. HOCKY

Dated: May 3, 2007

**Service List for Docket No. AB1005 (X)**

Yates County Industrial Development Agency  
Attn: Jeff Gifford, Chairman  
One Keuka Business Park, Suite 104  
Penn Yan, New York 14527

Ontario County Pathways, Inc.  
PO Box 996  
Canandaigua, NY 14424

New York Department of Public Service  
3 Empire State Plaza  
Albany, New York 12223-1350

Director of Real Estate  
New York Department of Transportation  
50 Wolf Road  
Albany, NY 12232  
Att: Phil Healey

Director  
Attention: SDTE-SA  
Military Surface Deployment and Distribution Command  
Transportation Engineering Agency  
720 Thimble Shoals Blvd., Ste. 130  
Newport News, VA 23606-4537

National Park Service  
National Center For Recreation  
and Conservation  
Org. Code 2220  
1849 C Street, NW  
Washington, DC 20240-0001

Cherri Espersen  
Rivers, Trails and Conservation Assistance Program  
National Park Service  
1849 C Street, NW (Org Code 2235)  
Washington, DC 20240-0001

Office of Chief of Forest Service  
U.S. Department of Agriculture  
Auditor's Building  
201 14th Street S.W. and Independence Ave., S.W.  
Washington, DC 20250

New York Department of Environmental Conservation  
625 Broadway  
Albany, NY 12233

New York Department of Environmental Conservation  
6274 E. Avon-Lima Road  
Avon, NY 14414-9519

New York Department of State  
Division of Coastal Resources  
41 State Street  
Albany, NY 12231

Robert N. Multer  
Chairman  
Yates County Legislature  
417 Liberty Street  
Penn Yan, New York 14527

Sarah Purdy  
County Administrator  
417 Liberty Street  
Penn Yan, New York 14527

Robert Clark  
Benton Town Supervisor  
1000 Route 14A  
Penn Yan, New York 14527

Region 2  
Environmental Protection Agency  
Jacob K. Javits Federal Building  
290 Broadway  
New York, NY 10007

US Fish and Wildlife Service  
Northeast Regional Office  
300 Westgate Center Drive  
Hadley, MA 01035-9589

US Fish and Wildlife Service  
New York Field Office  
3817 Luker Road  
Cortland, NY 13045

U.S. Army Engineer Division  
Great Lakes & Ohio River Division  
550 Main Street  
Room 10,032  
Cincinnati, Ohio 45202-3222

Northeast Region  
Regional Director National Park Service  
U.S. Custom House  
200 Chestnut St., Fifth Floor  
Philadelphia, PA 19106

USDA Natural Resources Conservation Service  
5601 Sunnyside Ave.  
Mailstop 5410, Room 1-1290A  
Beltsville MD 20705-5410

USDA Natural Resources Conservation Service  
441 Salina Street  
The Galleries of Syracuse  
Suite 354  
Syracuse, NY 13202

Mr. Richard A. Snay  
Chief, Spatial Reference System Div.  
United States Dept. of Commerce  
NOAA, N/NGS2  
SSMC3, Room 8828  
1315 East-West Highway  
Silver Spring, MD 20910

New York State Historic Preservation Office  
Peebles Island Resource Center  
P.O. Box 189  
Waterford, NY 12188-0189

U.S. Army Engineer Division  
U.S. Army Corps of Engineers- Buffalo District  
Auburn Field Office  
7413 County House Road  
Auburn, New York 13021

Michael L. Allen  
New York State Department of Environmental Conservation  
Division of Fish, Wildlife & Marine Resources, Region 8  
6274 E. Avon-Lima Road  
Avon, NY 14414-9519

Doug Bernhard  
New York State Department of Environmental Conservation  
Division of Lands & Forests  
Region 8  
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